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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,682	02/01/2001	Motoshi Asano	SON-2024	3648
23353	7590	06/19/2006	EXAMINER POINVIL, FRANTZY	
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			ART UNIT 3628	PAPER NUMBER

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/774,682	Applicant(s) ASANO ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4 and 9-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 9-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/23/2006 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 9-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al. (GB 2,303,956) (hereinafter Nonaka).

Nonaka teaches (see at least the abstract, Figures 1-13, and pages 1-53, but in particular the locations cited below):

An electronic-money settlement method comprising the steps of recording, in a portable electronic device and a management center, information on a deposited amount of money, said information being stored in said portable electronic device in the form of electronic money representing a monetary value (1); and recording, said portable electronic device and said management center, information on a loan made to the user of said portable electronic device up to a predetermined limit (Figure 2a and 2b and 5 and 10 show the format of the data storage in the IC, Figure 13

shows the functions within the IC card and communication with management center, and Figures 3,4, 6,8, 11, 12a and b show the steps involved in Nonaka, including the updating, storage and communication of information). Nonaka teaches several conditions for recording information in the portable device and in the management center. Recording information on the portable device and at the management center based on conditions such as "when a payment amount exceeds the remaining amount of the electronic money stored in said portable electronic device" is only one of a multitude of possible conditions that would have been left to the users/owners described by Nonaka since such would not affect the functioning of the system of Nonaka. Doing so would have enabled preferred usability of the system of Nonaka as all the claimed functionalities are enabled by the system of Nonaka.

Applicant has amended claim 1 to recite "wherein said management center calculates interest on the loan at a predetermined frequency and uses the calculation result to update the information on the loan and argues that such a limitation is not present in Nonaka.

In response, Nonaka states:

If the balance is more than the loan, the loan is subtracted from the balance by the processor 32 and a new balance is written to the sum information storage 14 of the IC card 1 by the card reader/writer 24 in a step S112. The loan storage 61 and the loaned date storage 62 respectively shown in Fig. 2 in the personal information storage 34 in the center are reset in a step S113 (see last paragraph of page 10 to top of page 11).

From this passage it is clearly apparent that the management center updates information on the loan.

Furthermore, whether or not Nonaka states calculating interest on a loan, the applicant's representative argument that Nonaka fails to disclose, teach or suggest a management center that calculates interest on a loan is not convincing because Nonaka clearly teaches a management center providing a loan to a customer and recording the loan data at both the management center and a portable device of the user. See page 1, first paragraph, page 14, third paragraph and page 20 of Nonaka. It noted that loans are usually provided wherein the loan provider's intention is to charge interest on the loan amount so that a profit is made because of the risk involving in borrowing the loan amount and also because of administrative costs/functions. Thus, charging interest on the loan amount is inherent in the system of Nonaka. Furthermore, Nonaka discloses storing all information regarding loan data and financial data on both the remote computer of management center and the portable device. See pages 10-11 and page 14 of Nonaka. Thus storing the interest data on both the management center and the portable device is inherent in Nonaka so as to always make a borrower's information always available to that particular customer.

As per claim 3, an electronic-money settlement method according to claim 1, determining when the loan exceeds a predetermined limit is illustrated in figure 4, element S211 of Nonaka. Nonaka teaches determining upper limit of a customer's loan. Nonaka states "If the user's loan exceeds the upper limit in the step S311, a message

showing his/her loan exceeds the upper limit is displayed on the display 21 of the electronic purse terminal 2 in the step S314 and his/her IC card is ejected from the electronic purse terminal 2 by the card controller 23 in the step S319".

The management center prohibiting the use of the electronic money by the portable electronic device (S2111) would have been obvious to one of ordinary skill in the art to do because the user would have exceeded the user's limit and the user's allowable funds had been exhausted thus preventing further debts to be owed by the user.

As per claim 4, an electronic-money settlement method according to claim 1, wherein said management center updates a record of the remaining amount of the electronic money stored in said portable electronic device when being instructed to store electronic money in said portable electronic device, and updates the remaining amount of the electronic money stored in said portable electronic device is taught and discussed throughout Nonaka. Doing so, when being accessed by said portable electronic device so that priority is given to liquidation of the loan is not explicitly taught by Nonaka. Doing so would have enabled preferred usability of the system of Nonaka as all the claimed functionalities are enabled by the system of Nonaka. Doing so, when being accessed by said portable electronic device so that priority is given to liquidation of the loan (S226) would have been obvious to do in the system of Nonaka in order to reduce the debts of the owners of the system of Nonaka.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Nonaka et al (GB 2 303 956).

As per claims 9 and 17, Nonaka discloses an electronic money settlement method comprising the steps of:

loading electronic money from a portable electronic device into an information processing apparatus, said electronic money having a monetary value;

establishing a loan when a payment amount exceeds said monetary value of said electronic money, said payment amount being a purchase price of a commodity; and recording said loan in said portable electronic device.

As per these limitations, applicant is directed to page 13, first paragraph, page 14, third paragraph and page 20, lines 1-5 of Nonaka.

As per claims 10 and 20, see page 20, lines 1—5 and page 26, first paragraph and page 25, last paragraph .

As per claims 11-13, 19, 21, see page 17, second paragraph to page 18, first paragraph.

As per claims 14 and 23, it is noted that each time a payment or a purchase is made, such a transaction is recorded and therefore this limitation is interpreted as a history of use of the portable electronic device.

As per claims 15 and 22, Nonaka discloses prohibiting the use of the electronic money by the portable electronic device when the loan exceeds a predetermined limit. See page 25, lines 1-6 and page 26, third paragraph of Nonaka.

As per claim 16, inducing power into the portable electronic device is inherent in the portable device of Nonaka in order for the device to function.

4. Applicant's arguments:

Applicant's representative argues that Nonaka fails to disclose, teach or suggest a management center that calculates interest on loan at a predetermined frequency, and uses the calculation result to update the information on the loan.

In response, whether or not Nonaka states calculating interest on a loan, the applicant's representative argument that Nonaka fails to disclose, teach or suggest a management center that calculates interest on a loan is not convincing because Nonaka clearly teaches a management center providing a loan to a customer and recording the loan data at both the management center and a portable device of the user. See page 1, first paragraph, page 14, third paragraph and page 20 of Nonaka. It noted that loans are usually provided wherein the loan provider's intention is to charge interest on the loan amount so that a profit is made because of the risk involving in borrowing the loan amount and also because of administrative costs/functions. Thus, charging

interest on the loan amount is inherent in the system of Nonaka. Furthermore, Nonaka discloses storing all information regarding loan data and financial data on both the remote computer of management center and the portable device. See pages 10-11 and page 14 of Nonaka. Thus storing the interest data on both the management center and the portable device is inherent in Nonaka so as to always make a borrower's information always available to that particular customer.

Applicant's representative then argues that Nonaka fails to disclose, teach or suggest information on a loan is recorded in both the portable electronic device and the management center.

In response, the Examiner disagrees as Nonaka clearly teaches this limitation at pages 10-11 and page 14 of Nonaka.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

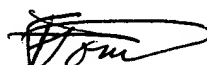
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Frantzy Poinvil
Primary Examiner
Art Unit 3628**